

March 2008

Campaign	
Ronald R. Stevens Modesto City Council Dated: March 4, 2008 File Number A-08-004	<p>Under the provisions of the Act, a local city council may not enact any ordinance that imposes additional or different filing requirements on non-local committees or that prevents any person from complying with the Act. Committees not operating exclusively within the local jurisdiction are not subject to any local ordinances regarding filing requirements, including filing requirements for independent expenditures, that are different from those imposed by the Act.</p>
Jim Winder Mayor, City of Yorba Linda Dated: March 26, 2008 File Number I-08-021	<p>Mayor requested advice whether a city-financed brochure, regarding an upcoming ballot measure to increase funding to a benefit assessment district, violates laws against the use of public funds for advocacy, and if it creates reporting obligations for the city under FPPC regulation. Requestor was advised that the first part of his question possibly implicates Government Code Sections 8314 and 54964, and Penal Code Section 424—areas of law outside the Act. Therefore, we could not advise whether the city's financing and dissemination of the brochure violated the use of public funds for advocacy. However, with regard to the second question about the city's reporting obligations, requestor was advised that the newsletter does <i>not</i> appear to qualify as campaign activity; therefore, under the Act, the city would not have campaign reporting obligations with regard to the brochure.</p>
Mario Juarez Mario Juarez for Oakland City Council, District 5 Dated: March 26, 2008 File Number A-08-031	<p>A payment made by a real estate company, owned by a candidate for city council, solely to advertise the company is made for a personal purpose unrelated to the candidate's candidacy. Accordingly, the payment is not an "expenditure" subject to the provisions of the Act.</p>
George Cole Council City of Bell Dated: March 5, 2008 File Number A-08-033	<p>A city councilmember may change his committee established for his re-election from a committee controlled by one candidate to a joint committee controlled by two candidates by filing an Amended Statement of Organization.</p>
Kathleen G. Bissell Dated: March 28, 2008 File Number A-08-046	<p>A registered state lobbyist is advised that the Act does not prohibit her from making a campaign contribution to a candidate for the Sonoma County Board of Supervisors as long as the candidate is not an elected state officer or candidate for elective state office.</p>
Terry Ringle Solano County Registrar of Voters Dated: March 27, 2008 File Number A-08-054	<p>In connection with a July 22, 2008 election, candidates may use a filing schedule that combines the semi-annual campaign statement with the second pre-election statement due on July 10, 2008.</p>

Conflicts of Interest	
Edwin Lowry Department of Pesticides Dated: March 21, 2008 File Number I-08-012	<p>The requestor is advised the Act does not restrict him from engaging in employment outside state service, but the Act's conflict-of-interest provisions may prevent him from taking part in certain governmental decisions.</p>
Henry T. Perea Fresno City Councilmember Dated: March 13, 2008 File Number A-08-014	<p>The city council is negotiating a contract with a non-profit corporation. Councilmember's spouse is employed by the non-profit. Councilmember does not have a disqualifying conflict of interest, as his spouse's income is exempt under the government agency exception. The non-profit corporation is considered a local government agency pursuant to the Commission's opinion <i>In re Siegel</i>. Requestor was also advised that this letter does not address issues raised under Government Code Section 1090, which is outside the Political Reform Act.</p>
Temecula City Mayor Mike Naggar, and Councilmembers Jeff Comerchero & Charles Washington Dated: March 4, 2008 File Number A-08-015	<p>Three Temecula councilmembers have an interest in a developer's business. The business operates several LLCs that are developing several different development projects in the region. One of these projects is the Europa Vineyards Estates. Because all the development companies and the owner are "otherwise related," the councilmembers have an interest in every development company of the developer. The Temecula City Council will be considering the terms of a different developer's development (Roripaugh Ranch) affecting a portion of road within 372 feet of the boundary of the Europa Vineyards Estates. So long as this decision will not have an indirect material financial effect on Europa Vineyards Estate or any of its otherwise related business entities, the councilmembers' may participate in the Roripaugh Ranch decision.</p>
Larry Wahl Chico City Councilmember Dated: March 12, 2008 File Number A-08-018	<p>A councilmember's spouse has a property interest in downtown Chico. The property is leased to the USPS, for use as a parking lot. The city council is considering several changes to downtown parking; some of the changes would occur within 500 feet of spouse's property. The councilmember is presumed to be disqualified from participating in the decisions, although the presumption may be overcome. If there are any decisions where the presumption is overcome, the councilmember may segregate those decisions and participate in them, so long as the decisions with a disqualifying conflict are first dealt with.</p>
David Dickson General Manager, Coastside County Water District Dated: March 10, 2008 File Number A-08-022	<p>General manager of water district who was previously employed by a private firm has a disqualifying conflict of interest when that firm submits a bid in response to a request for proposals. Due to the specialty involved, and the limited number of potential bidders, staff advised that it is reasonably</p>

	foreseeable that the official's "unqualified devotion to his public duty" could be compromised.
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Councilmembers Steve Castaneda, John McCann, Rudy Ramirez, and Jerry Rindone City of Chula Vista Dated: March 21, 2008 File Number A-08-025	<p>A city council that consists of four council members and a mayor, and also sits as the redevelopment agency for the city, is considering four projects. All four councilmembers own property within 500 feet of one or more of the projects. Staff advised that for those decisions that were not implementation decisions, and where a quorum could not be established due to conflicts of interest, the "legally required participation" exception might apply.</p>
Bryan Cleaver Coastal Valleys EMS Agency Dated March 11, 2008 File Number A-08-027	<p>A public official does not have an economic interest in the salary of his live-in significant other who is neither his spouse nor his registered domestic partner. When two unmarried individuals who are involved in a bona fide dating relationship live together, the fact of living together does not create an economic interest in the other. Merely sharing living expenses with his significant other will not constitute an economic interest in the significant other. Personal gifts shared between those in a bona fide dating relationship will not count toward the \$390 disqualification threshold.</p>
Kerry Walker City of Vacaville, Community Services Department Dated: March 11, 2008 File Number I-08-028	<p>The Act does not bar city employees from holding dual public positions. The salaries the officials receive through their city positions are not "income" within the meaning of the Act. So long as the official does not make a decision that materially affects his or her personal finances, no conflict of interest will exist.</p>
Marzia Zafar California Public Utilities Commission Dated: March 19, 2008 File Number A-08-040	<p>The former employer of a designated employee of a state government agency is not regarded as a "source of income" to her. Therefore, provided she has no other economic interests, she does not have a disqualifying financial interest in any governmental decision involving her former employer and the Act's conflict-of-interest provisions do not operate to bar her from any decisionmaking activities involving her former employer.</p>

Gift	
Sarah Ream Department of Managed Health Care Dated: March 25, 2008 File Number I-08-023	<p>A state official is advised that an admission ticket to the filming of a television program has no value under the Act when tickets are made available to the general public at no charge.</p>

Personal Use	
David Bauer Senator Dennis Hollingsworth Dated: March 25, 2008 File Number A-08-045	<p>A Senator wishes to use funds held in an officeholder account under Government Code Section 85316(b) to make a \$200 gift to a Senate employee. Assuming the total cumulative value of gifts the Senator has made to the specific Senate employee is valued at less than \$250 in a single year, the gifts are considered to be directly related to a political, legislative, or governmental purpose and the Senator may therefore use these funds to make the \$200 donation toward the gift.</p>

Revolving Door	
Sarah Ream Department of Managed Health Care Dated: March 27, 2008 File Number I-08-030	<p>Under Section 87407, an employee may continue to perform work related to legislative bills equally affecting all 120 licensed healthcare plans while negotiating employment with a healthcare plan provider so long as the prospective employer did not propose the bill to the bill's author and there is no reasonably foreseeable material financial affect on the prospective employer.</p>
Vincent Brown Dated: March 25, 2008 File Number A-08-041	<p>A former state administrative official may not for one year after leaving the agency act for compensation as representative, agent, or attorney for any person before his former agency. His private contracts with private businesses are not limited, however, during the one year period, he cannot influence administrative or legislative action of his former employer.</p>

Statements of Economic Interests	
Lori A. Johnson Rincon Ranch Community Services District; Valley Center-Pauma Unified School District Dated: March 10, 2008 File Number A-08-024	<p>The transfer of an automobile to a public official in exchange for the official's providing personal services of equal or greater value does not constitute a gift to the official. However, because the automobile was given as payment for services, its value constitutes reportable income to the official if the source of income is reportable under the conflict-of-interest code of the agency for which the official files a Statement of Economic Interests.</p>

March 2008
Juanita G. Lira